
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

GARRY P. ISAACS,

Plaintiff,

vs.

RANDY WELLS et al.,

Defendants.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:10CV162 DAK

This matter is before the court on M. Bradley Wells’s improper filing of “Defendants’ Answer, Affirmative Defenses, and Counterclaim” on behalf of Highpointe Homes, LLC, Vapocom LLC, and Highpointe Companies, LLC. In this action, Defendants Randy Wells, Darrin Sweeney, and M. Bradley Wells are representing themselves. M. Bradley Wells, however, has signed the “Defendants’ Answer, Affirmative Defenses, and Counterclaim” on behalf of Highpointe Homes, LLC, Vapocom LLC, and Highpointe Companies, LLC. Mr. Wells, who is not an attorney, may not represent these business entities in federal court.

A limited liability company must appear in court through a licensed attorney. *See, e.g., Tal v. Hogan*, 453 F.3d 1244, 1254 (10th Cir. 2006); *Harrison v. Wahatoyas, LLC*, 253 F.3d 552, 556 (10th Cir.2001) (“As a general matter, a corporation or other business entity can only appear in court through an attorney and not through a non-attorney corporate officer appearing *pro se*.”); *Lattanzio v. Galen Institute, LLC v. COMTA*, 481 F.3d 137, 140 (2nd Cir. 2007) (“[A] limited liability company [] may appear in federal court only through a licensed attorney.”); *U.S. v.*

Hagerman, 545 F.3d 579, 581 (7th Cir. 2008) (“[T]he right to conduct business in a form that confers privileges, such as the limited personal liability of the owners for tort or contract claims against the business, carries with it obligations one of which is to hire a layer if you want to sue or defend on behalf of the entity.”).

Accordingly, the “Answer, Affirmative Defenses and Counterclaims” as this document pertains to Highpointe Homes, LLC, Vapocom LLC, and Highpointe Companies, LLC is stricken. These business entities may have until 5:00 p.m. on May 13, 2010 to obtain counsel to represent them in this matter, including filing an Answer to the Complaint. Plaintiff may file a Motion for a Default Certificate if Answers have not been filed by that deadline.

CONCLUSION

For the foregoing reasons, IT IS HEREBY ORDERED the “Answer, Affirmative Defenses and Counterclaims” [Docket # 3] as it pertains to Defendants (1) Highpointe Homes, LLC, (2) Vapocom LLC, and (3) Highpointe Companies, LLC is STRICKEN as improperly filed by an individual who is not a licensed attorney. These business entities may have until 5:00 p.m. on May 13, 2010 to find counsel to represent them in this matter, including filing an Answer to the Complaint. Plaintiff may file a Motion for a Default Certificate if Answers have not been filed by that deadline.

DATED this 6th day of April, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", written in a cursive style.

DALE A. KIMBALL
United States District Judge